

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the P-20
5 Longitudinal Education Data System Act.

6 Section 5. Findings; declarations. The General Assembly
7 finds and declares all of the following:

8 (1) Sound data collection, reporting, and analysis are
9 critical to building a State education system capable of
10 ensuring all Illinois students are adequately prepared for
11 college and the global workforce. School districts and
12 institutions of higher learning can improve instructional
13 and educational decision-making using data that is
14 collected and made available by this State.

15 (2) Reliable and sufficient education data is
16 necessary to ensure that this State bases education policy
17 decisions on valid, objective measures of student
18 outcomes. Publicly accessible data on State, school
19 district, and school performance allows the citizens of
20 this State to assess local and statewide investments in
21 education.

22 (3) A national collaborative effort among State
23 education officials, national education organizations, and

1 state and federal policymakers has defined the essential
2 elements a State longitudinal data system should contain.
3 Public Law 110-69, the America COMPETES Act, requires state
4 longitudinal data systems to include all 10 elements
5 identified by this national, collaborative effort for
6 states to qualify for federal funding opportunities. The
7 federal American Recovery and Reinvestment Act of 2009
8 requires states to establish longitudinal data systems
9 with all 10 elements to qualify for federal funding for
10 education, public safety, and other government services.

11 (4) Public Law 110-134 requires the Illinois Early
12 Learning Council to develop recommendations regarding the
13 establishment of a unified data collection system for
14 public early childhood education and development programs
15 and services throughout this State, and those efforts
16 should be coordinated with the development of this State's
17 longitudinal data system.

18 (5) State education policymaking benefits from
19 partnerships between State education agencies and entities
20 with expertise in education research, including school
21 districts, institutions of higher learning, and research
22 organizations. This State should establish systems and
23 processes to permit qualified researchers to assist with
24 State evaluation and research functions in a manner
25 consistent with privacy protection laws.

26 (6) State education systems and national policymaking

1 benefit from multi-state collaborations that are informed
2 by high quality data collection systems.

3 (7) This State is committed to establishing and
4 maintaining a longitudinal student unit record data system
5 that educators and policymakers can use to analyze and
6 assess student progress from early learning programs
7 through postsecondary education and into employment. The
8 State Board of Education, the Illinois Community College
9 Board, and the Board of Higher Education have designed,
10 built, and deployed some of the fundamental components of a
11 longitudinal data system and have engaged in extensive
12 efforts to effectively link and use available education
13 data. However, the various education data components
14 maintained by this State must be integrated and managed in
15 a cooperative manner to establish a data-driven,
16 decision-making environment for this State's education
17 system.

18 (8) The longitudinal data system established by this
19 Act is intended, among other purposes, to link student test
20 scores, length of enrollment, and graduation records over
21 time, as permitted by Section 1111(b)(3)(B) of the federal
22 Elementary and Secondary Education Act (20 U.S.C.
23 6311(b)(3)(B)).

24 (9) Students will achieve improved learning outcomes
25 as a result of the longitudinal data system established by
26 this Act through instruction and educational programs

1 informed by valid and reliable data.

2 (10) State use and management of education data must be
3 in accordance with all legal requirements protecting
4 student privacy and must protect personal information from
5 intentional or accidental release to unauthorized persons
6 and from intentional or accidental use for unauthorized
7 purposes.

8 Section 10. Definitions. In this Act:

9 "Community College Board" means the Illinois Community
10 College Board.

11 "Community colleges" has the meaning ascribed to that term
12 in Section 1-2 of the Public Community College Act.

13 "Early learning" means any publicly funded education and
14 care program supporting young children not yet enrolled in
15 kindergarten.

16 "Elementary" means kindergarten through eighth grade.

17 "Institution of higher learning" has the meaning ascribed
18 to that term in Section 10 of the Higher Education Student
19 Assistance Act.

20 "Longitudinal data system" means a student unit record data
21 system that links student records from early learning through
22 the postsecondary level, which may consist of separate student
23 unit record systems integrated through agreement and data
24 transfer mechanisms.

25 "Privacy protection laws" means the federal Family

1 Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g),
2 the Illinois School Student Records Act, the Personal
3 Information Protection Act, and any other State or federal law
4 relating to the confidentiality and protection of personally
5 identifiable information.

6 "Research organization" means a governmental entity,
7 institution of higher learning, public policy or advocacy
8 organization, or other person or entity conducting educational
9 research that (i) is qualified to perform educational research
10 and protect the privacy of student data, (ii) is seeking to
11 perform research for a non-commercial purpose authorized by
12 privacy protection laws, and (iii) agrees to perform the
13 research pursuant to a written agreement meeting the
14 requirements of privacy protection laws and this Act.

15 "School" means any elementary or secondary educational
16 institution, charter school, vocational school, special
17 education facility, or any other elementary or secondary
18 educational agency or institution, but does not include a
19 non-public school.

20 "Secondary" means ninth through twelfth grade.

21 "State Board" means the State Board of Education.

22 "State Education Authorities" means the State Board,
23 Community College Board, and Board of Higher Education.

24 Section 15. Establishment of the longitudinal data system
25 and data warehouse.

1 (a) The State Education Authorities shall jointly
2 establish and maintain a longitudinal data system by entering
3 into one or more agreements that link early learning,
4 elementary, and secondary school student unit records with
5 institution of higher learning student unit records. To the
6 extent authorized by this Section and Section 20 of this Act:

7 (1) the State Board is responsible for collecting and
8 maintaining authoritative enrollment, completion, and
9 student characteristic information on early learning,
10 public school (kindergarten through grade 12), and
11 non-public school (kindergarten through grade 12)
12 students;

13 (2) the Community College Board is responsible for
14 collecting and maintaining authoritative enrollment,
15 completion, and student characteristic information on
16 community college students; and

17 (3) the Board of Higher Education is responsible for
18 collecting and maintaining authoritative enrollment,
19 completion, and student characteristic information on
20 students enrolled in institutions of higher learning,
21 other than community colleges.

22 (b) On or before June 30, 2013, subject to the availability
23 of funding through appropriations made specifically for the
24 purposes of this Act, the State Education Authorities shall
25 improve and expand the longitudinal data system to enable the
26 State Education Authorities to perform or cause to be performed

1 all of the following activities and functions:

2 (1) Reduce, to the maximum extent possible, the data
3 collection burden on school districts and institutions of
4 higher learning by using data submitted to the system for
5 multiple reporting and analysis functions.

6 (2) Provide authorized officials of early learning
7 programs, schools, school districts, and institutions of
8 higher learning with access to their own student-level
9 data, summary reports, and data that can be integrated with
10 additional data maintained outside of the system to inform
11 education decision-making.

12 (3) Link data to instructional management tools that
13 support instruction and assist collaboration among
14 teachers and postsecondary instructors.

15 (4) Enhance and expand existing high
16 school-to-postsecondary reporting systems to inform school
17 and school district officials, education policymakers, and
18 members of the public about public school students'
19 performance in postsecondary education.

20 (5) Provide data reporting, analysis, and planning
21 tools that assist with financial oversight, human resource
22 management, and other education support functions.

23 (6) Improve student access to educational
24 opportunities by linking data to student college and career
25 planning portals, facilitating the submission of
26 electronic transcripts and scholarship and financial aid

1 applications, and enabling the transfer of student records
2 to officials of a school or institution of higher learning
3 where a student enrolls or seeks or intends to enroll.

4 (7) Establish a public Internet web interface that
5 provides non-confidential data reports and permits queries
6 so that parents, the media, and other members of the public
7 can more easily access information pertaining to
8 statewide, district, and school performance.

9 (8) Provide research and reports to the General
10 Assembly that assist with evaluating the effectiveness of
11 specific programs and that enable legislators to analyze
12 educational performance within their legislative
13 districts.

14 (9) Allow the State Education Authorities to
15 efficiently meet federal and State reporting requirements
16 by drawing data for required reports from multiple State
17 systems.

18 (10) Establish a system to evaluate teacher and
19 administrator preparation programs using student academic
20 growth as one component of evaluation.

21 (11) In accordance with a data sharing agreement
22 entered into between the State Education Authorities and
23 the Illinois Student Assistance Commission, establish
24 procedures and systems to evaluate the relationship
25 between need-based financial aid and student enrollment
26 and success in institutions of higher learning.

1 (12) In accordance with data sharing agreements
2 entered into between the State Education Authorities and
3 health and human service agencies, establish procedures
4 and systems to evaluate the relationship between education
5 and other student and family support systems.

6 (13) In accordance with data sharing agreements
7 entered into between the State Education Authorities and
8 employment and workforce development agencies, establish
9 procedures and systems to evaluate the relationship
10 between education programs and outcomes and employment
11 fields, employment locations, and employment outcomes.

12 (c) On or before June 30, 2013, subject to the availability
13 of funding through appropriations made specifically for the
14 purposes of this Act, the State Board shall establish a data
15 warehouse that integrates data from multiple student unit
16 record systems and supports all of the uses and functions of
17 the longitudinal data system set forth in this Act. The data
18 warehouse must be developed in cooperation with the Community
19 College Board and the Board of Higher Education and must have
20 the ability to integrate longitudinal data from early learning
21 through the postsecondary level in accordance with one or more
22 data sharing agreements entered into among the State Education
23 Authorities. The data warehouse, as integrated with the
24 longitudinal data system, must include, but is not limited to,
25 all of the following elements:

26 (1) A unique statewide student identifier that

1 connects student data across key databases across years.
2 The unique statewide student identifier must not be derived
3 from a student's social security number and must be
4 provided to institutions of higher learning to assist with
5 linkages between early learning through secondary and
6 postsecondary data.

7 (2) Student-level enrollment, demographic, and program
8 participation information, including information on
9 participation in dual credit programs.

10 (3) The ability to match individual students'
11 elementary and secondary test records from year to year to
12 measure academic growth.

13 (4) Information on untested students in the elementary
14 and secondary levels, and the reasons they were not tested.

15 (5) A teacher and administrator identifier system with
16 the ability to match students to early learning,
17 elementary, and secondary teachers and elementary and
18 secondary administrators. Information able to be obtained
19 only as a result of the linkage of teacher and student data
20 through the longitudinal data system may not be used by a
21 school district for decisions involving teacher pay or
22 teacher benefits unless the district and the exclusive
23 bargaining representative of the district's teachers, if
24 any, have agreed to this use. Information able to be
25 obtained only as a result of the linkage of teacher and
26 student data through the longitudinal data system may not

1 be used by a school district as part of an evaluation under
2 Article 24A of the School Code unless, in good faith
3 cooperation with the school district's teachers or, where
4 applicable, the exclusive bargaining representative of the
5 school district's teachers, the school district has
6 developed an evaluation plan or substantive change to an
7 evaluation plan that specifically describes the school
8 district's rationale for using this information for
9 evaluations, how this information will be used as part of
10 the evaluation process, and how this information will
11 relate to evaluation standards. However, nothing in this
12 subdivision (5) or elsewhere in this Act limits or
13 restricts (i) a district's use of any local or State data
14 that has been obtained independently from the linkage of
15 teacher and student data through the longitudinal data
16 system or (ii) a charter school's use of any local or State
17 data in connection with teacher pay, benefits, or
18 evaluations.

19 (6) Student-level transcript information, including
20 information on courses completed and grades earned, from
21 middle and high schools. The State Board shall establish a
22 statewide course classification system based upon the
23 federal School Codes for Exchange of Data or a similar
24 course classification system. Each school district and
25 charter school shall map its course descriptions to the
26 statewide course classification system for the purpose of

1 State reporting. School districts and charter schools are
2 not required to change or modify the locally adopted course
3 descriptions used for all other purposes. The State Board
4 shall establish or contract for the establishment of a
5 technical support and training system to assist schools and
6 districts with the implementation of this item (6) and
7 shall, to the extent possible, collect transcript data
8 using a system that permits automated reporting from
9 district student information systems.

10 (7) Student-level college readiness test scores.

11 (8) Student-level graduation and dropout data.

12 (9) The ability to match early learning through
13 secondary student unit records with institution of higher
14 learning student unit record systems.

15 (10) A State data audit system assessing data quality,
16 validity, and reliability.

17 (d) Using data provided to and maintained by the
18 longitudinal data system, the State Education Authorities may,
19 in addition to functions and activities specified elsewhere in
20 this Section, perform and undertake the following:

21 (1) research for or on behalf of early learning
22 programs, schools, school districts, or institutions of
23 higher learning, which may be performed by one or more
24 State Education Authorities or through agreements with
25 research organizations meeting all of the requirements of
26 this Act and privacy protection laws; and

1 (2) audits or evaluations of federal or
2 State-supported education programs and activities to
3 enforce federal or State legal requirements with respect to
4 those programs. Each State Education Authority may assist
5 another State Education Authority with audit, evaluation,
6 or enforcement activities and may disclose education
7 records with each other for those activities relating to
8 any early learning through postsecondary program. The
9 State Education Authorities may disclose student
10 information to authorized officials of a student's former
11 early learning program, school, or school district to
12 assist with the evaluation of federal or State-supported
13 education programs.

14 (e) In establishing, operating, and expanding the
15 longitudinal data system, the State Education Authorities
16 shall convene stakeholders and create opportunities for input
17 and advice in the areas of data ownership, data use, research
18 priorities, data management, confidentiality, data access, and
19 reporting from the system. Such stakeholders include, but are
20 not limited to, public and non-public institutions of higher
21 learning, school districts, charter schools, non-public
22 elementary and secondary schools, early learning programs,
23 teachers, professors, parents, principals and administrators,
24 school research consortiums, education policy and advocacy
25 organizations, news media, the Illinois Student Assistance
26 Commission, the Illinois Education Research Council, the

1 Department of Commerce and Economic Opportunity, the Illinois
2 Early Learning Council, and the Legislative Research Unit.

3 (f) Representatives of the State Education Authorities
4 shall report to and advise the Illinois P-20 Council on the
5 implementation, operation, and expansion of the longitudinal
6 data system.

7 (g) Appropriations made to the State Education Authorities
8 for the purposes of this Act shall be used exclusively for
9 expenses for the development and operation of the longitudinal
10 data system. Authorized expenses of the State Education
11 Authorities may relate to contracts with outside vendors for
12 the development and operation of the system, agreements with
13 other governmental entities or research organizations for
14 authorized uses and functions of the system, technical support
15 and training for entities submitting data to the system, or
16 regular or contractual employees necessary for the system's
17 development or operation.

18 Section 20. Collection and maintenance of data.

19 (a) The State Board is authorized to collect and maintain
20 data from school districts, schools, and early learning
21 programs and disclose this data to the longitudinal data system
22 for the purposes set forth in this Act. The State Board shall
23 collect data from charter schools with more than one campus in
24 a manner that can be disaggregated by campus site. The State
25 Board may also disclose data to the longitudinal data system

1 that the State Board is otherwise authorized by law to collect
2 and maintain.

3 On or before July 1, 2010, the State Board shall establish
4 procedures through which State-recognized, non-public schools
5 may elect to participate in the longitudinal data system by
6 disclosing data to the State Board for one or more of the
7 purposes set forth in this Act.

8 Subject to the availability of funding through
9 appropriations made specifically for the purposes of this Act,
10 the State Board shall establish or contract for the
11 establishment of a technical support and training system to
12 assist school districts, schools, and early learning programs
13 with data submission, use, and analysis.

14 (b) The Community College Board is authorized to collect
15 and maintain data from community college districts and disclose
16 this data to the longitudinal data system for the purposes set
17 forth in this Act. The Community College Board may also
18 disclose data to the longitudinal data system that the
19 Community College Board is otherwise authorized by law to
20 collect and maintain.

21 Subject to the availability of funding through
22 appropriations made specifically for the purposes of this Act,
23 the Community College Board shall establish or contract for the
24 establishment of a technical support and training system to
25 assist community colleges with data submission, use, and
26 analysis.

1 (c) The Board of Higher Education is authorized to collect
2 and maintain data from any public institution of higher
3 learning, other than community colleges, and disclose this data
4 to the longitudinal data system for the purposes set forth in
5 this Act. The Board of Higher Education may also disclose data
6 to the longitudinal data system that the Board of Higher
7 Education is otherwise authorized by law to collect and
8 maintain.

9 Beginning on July 1, 2012, the Board of Higher Education is
10 authorized to collect and maintain data from any non-public
11 institution of higher learning enrolling one or more students
12 receiving Monetary Award Program grants, pursuant to Section 35
13 of the Higher Education Student Assistance Act, and disclose
14 this data to the longitudinal data system for the purposes set
15 forth in this Act. Prior to July 1, 2012, any non-public
16 institution of higher learning may elect to participate in the
17 longitudinal data system by disclosing data for one or more of
18 the purposes set forth in this Act to the Board of Higher
19 Education or to a consortium that has contracted with the Board
20 of Higher Education pursuant to this subsection (c).

21 The Board of Higher Education may contract with one or more
22 voluntary consortiums of non-public institutions of higher
23 learning established for the purpose of data sharing, research,
24 and analysis. The contract may allow the consortium to collect
25 data from participating institutions on behalf of the Board of
26 Higher Education. The contract may provide for consultation

1 with a representative committee of participating institutions
2 and a representative of one or more organizations representing
3 the participating institutions prior to the use of data from
4 the consortium for a data sharing arrangement entered into with
5 any party other than a State Education Authority pursuant to
6 Section 25 of this Act. The contract may further provide that
7 individual institutions of higher learning shall have the right
8 to opt out of specific uses of their data or portions thereof
9 for reasons specified in the contract. Student-level data
10 submitted by each institution of higher learning participating
11 in a consortium that has contracted with the Board of Higher
12 Education pursuant to this paragraph shall remain the property
13 of that institution. Upon notice to the consortium and the
14 Board of Higher Education, any non-public institution of higher
15 learning shall have the right to remove its data from the
16 consortium if the institution has reasonable cause to believe
17 that there is a threat to the security of its data or its data
18 is used in a manner that violates the terms of the contract
19 between the consortium and the Board of Higher Education. In
20 the event data is removed from a consortium pursuant to the
21 preceding sentence, the data must be returned by the
22 institution to the consortium after the basis for removal has
23 been corrected. The data submitted from the consortium to the
24 Board of Higher Education must be used only for agreed-upon
25 purposes, as stated in the terms of the contract between the
26 consortium and the Board of Higher Education. Non-public

1 institutions of higher learning submitting student-level data
2 to a consortium that has contracted with the Board of Higher
3 Education pursuant to this paragraph shall not be required to
4 submit student-level data to the Board of Higher Education.

5 Subject to the availability of funding through
6 appropriations made specifically for the purposes of this Act,
7 the Board of Higher Education shall establish or contract for
8 the establishment of a technical support and training system to
9 assist institutions of higher learning, other than community
10 colleges, with data submission, use, and analysis. The Board of
11 Higher Education may make available grant funding to a
12 consortium of non-public institutions of higher learning to
13 provide assistance in the development of a data collection
14 system. The Board of Higher Education shall engage in a
15 cooperative planning process with public and non-public
16 institutions of higher learning and statewide higher education
17 associations in connection with all of the activities
18 authorized by this subsection (c).

19 (d) The State Education Authorities shall establish
20 procedures and requirements relating to the submission of data
21 authorized to be collected pursuant to this Section, including
22 requirements for data specifications, quality, security, and
23 timeliness. All early learning programs, schools, school
24 districts, and institutions of higher learning subject to the
25 data collection authority of a State Education Authority
26 pursuant to this Section shall comply with the State Education

1 Authority's procedures and requirements for data submissions.
2 A State Education Authority may require that staff responsible
3 for collecting, validating, and submitting data participate in
4 training and technical assistance offered by this State if data
5 is not submitted in accordance with applicable procedures and
6 requirements.

7 Section 25. Data sharing.

8 (a) The State Education Authorities may disclose data from
9 the longitudinal data system collected pursuant to Section 20
10 of this Act only in connection with a data sharing arrangement
11 meeting the requirements of this Section.

12 (b) Any State agency, board, authority, or commission may
13 enter into a data sharing arrangement with one or more of the
14 State Education Authorities to share data to support the
15 research and evaluation activities authorized by this Act.
16 State Education Authorities may also enter into data sharing
17 arrangements with other governmental entities, institutions of
18 higher learning, and research organizations that support the
19 research and evaluation activities authorized by this Act.

20 (c) Any data sharing arrangement entered into pursuant to
21 this Section must:

22 (1) be permissible under and undertaken in accordance
23 with privacy protection laws;

24 (2) be approved by the following persons:

25 (A) the State Superintendent of Education or his or

1 her designee for the use of early learning, public
2 school, and non-public school student data;

3 (B) the chief executive officer of the Community
4 College Board or his or her designee for the use of
5 community college student data; and

6 (C) the executive director of the Board of Higher
7 Education or his or her designee for the use of student
8 data from an institution of higher learning, other than
9 a community college;

10 (3) not permit the personal identification of any
11 person by individuals other than authorized
12 representatives of the recipient entity that have
13 legitimate interests in the information;

14 (4) ensure the destruction or return of the data when
15 no longer needed for the authorized purposes under the data
16 sharing arrangement; and

17 (5) be performed pursuant to a written agreement with
18 the recipient entity that does the following:

19 (A) specifies the purpose, scope, and duration of
20 the data sharing arrangement;

21 (B) requires the recipient of the data to use
22 personally identifiable information from education
23 records to meet only the purpose or purposes of the
24 data sharing arrangement stated in the written
25 agreement;

26 (C) describes specific data access, use, and

1 security restrictions that the recipient will
2 undertake; and

3 (D) includes such other terms and provisions as the
4 State Education Authorities deem necessary to carry
5 out the intent and purposes of this Act.

6 Section 30. Subject to privacy protection laws. The
7 collection, use, maintenance, disclosure, and sharing of data
8 authorized by this Act must be conducted in accordance with
9 privacy protection laws. The State Education Authorities shall
10 each develop security measures and procedures that protect
11 personal information from intentional or accidental release to
12 unauthorized persons and from intentional or accidental use for
13 unauthorized purposes.

14 Section 35. No impact on existing authority. This Act does
15 not modify or diminish any responsibilities or authority that a
16 State Education Authority or the State Education Authorities
17 collectively may otherwise have under law with respect to the
18 collection, use, maintenance, disclosure, and sharing of data.

19 Section 40. Evaluation. Subject to the availability of
20 funding through appropriations made specifically for the
21 purposes of this Act, the State Education Authorities shall
22 contract with an independent outside evaluator for oversight of
23 the development and operation of the longitudinal data system.

1 The independent outside evaluator shall annually submit a
2 report to the State Education Authorities, the Illinois P-20
3 Council, the Speaker and Minority Leader of the House of
4 Representatives, and the President and Minority Leader of the
5 Senate. The report shall include without limitation (i) an
6 evaluation of the extent to which the system is being developed
7 and operated to achieve the purposes, objectives, and
8 requirements of this Act; (ii) an evaluation of the oversight
9 and governance of the system by the State Education Authorities
10 and any recommendations to improve the oversight and governance
11 of the system; and (iii) an evaluation of the security measures
12 and procedures developed by the State Education Authorities to
13 protect personally identifiable information and any
14 recommendations to further ensure the privacy of personally
15 identifiable information.

16 Section 500. The School Code is amended by changing Section
17 27A-5 as follows:

18 (105 ILCS 5/27A-5)

19 Sec. 27A-5. Charter school; legal entity; requirements.

20 (a) A charter school shall be a public, nonsectarian,
21 nonreligious, non-home based, and non-profit school. A charter
22 school shall be organized and operated as a nonprofit
23 corporation or other discrete, legal, nonprofit entity
24 authorized under the laws of the State of Illinois.

1 (b) A charter school may be established under this Article
2 by creating a new school or by converting an existing public
3 school or attendance center to charter school status. Beginning
4 on the effective date of this amendatory Act of the 93rd
5 General Assembly, in all new applications submitted to the
6 State Board or a local school board to establish a charter
7 school in a city having a population exceeding 500,000,
8 operation of the charter school shall be limited to one campus.
9 The changes made to this Section by this amendatory Act of the
10 93rd General Assembly do not apply to charter schools existing
11 or approved on or before the effective date of this amendatory
12 Act.

13 (c) A charter school shall be administered and governed by
14 its board of directors or other governing body in the manner
15 provided in its charter. The governing body of a charter school
16 shall be subject to the Freedom of Information Act and the Open
17 Meetings Act.

18 (d) A charter school shall comply with all applicable
19 health and safety requirements applicable to public schools
20 under the laws of the State of Illinois.

21 (e) Except as otherwise provided in the School Code, a
22 charter school shall not charge tuition; provided that a
23 charter school may charge reasonable fees for textbooks,
24 instructional materials, and student activities.

25 (f) A charter school shall be responsible for the
26 management and operation of its fiscal affairs including, but

1 not limited to, the preparation of its budget. An audit of each
2 charter school's finances shall be conducted annually by an
3 outside, independent contractor retained by the charter
4 school.

5 (g) A charter school shall comply with all provisions of
6 this Article and its charter. A charter school is exempt from
7 all other State laws and regulations in the School Code
8 governing public schools and local school board policies,
9 except the following:

10 (1) Sections 10-21.9 and 34-18.5 of the School Code
11 regarding criminal history records checks and checks of the
12 Statewide Sex Offender Database of applicants for
13 employment;

14 (2) Sections 24-24 and 34-84A of the School Code
15 regarding discipline of students;

16 (3) The Local Governmental and Governmental Employees
17 Tort Immunity Act;

18 (4) Section 108.75 of the General Not For Profit
19 Corporation Act of 1986 regarding indemnification of
20 officers, directors, employees, and agents;

21 (5) The Abused and Neglected Child Reporting Act;

22 (6) The Illinois School Student Records Act; ~~and~~

23 (7) Section 10-17a of the School Code regarding school
24 report cards; and

25 (8) The P-20 Longitudinal Education Data System Act.

26 (h) A charter school may negotiate and contract with a

1 school district, the governing body of a State college or
2 university or public community college, or any other public or
3 for-profit or nonprofit private entity for: (i) the use of a
4 school building and grounds or any other real property or
5 facilities that the charter school desires to use or convert
6 for use as a charter school site, (ii) the operation and
7 maintenance thereof, and (iii) the provision of any service,
8 activity, or undertaking that the charter school is required to
9 perform in order to carry out the terms of its charter.
10 However, a charter school that is established on or after the
11 effective date of this amendatory Act of the 93rd General
12 Assembly and that operates in a city having a population
13 exceeding 500,000 may not contract with a for-profit entity to
14 manage or operate the school during the period that commences
15 on the effective date of this amendatory Act of the 93rd
16 General Assembly and concludes at the end of the 2004-2005
17 school year. Except as provided in subsection (i) of this
18 Section, a school district may charge a charter school
19 reasonable rent for the use of the district's buildings,
20 grounds, and facilities. Any services for which a charter
21 school contracts with a school district shall be provided by
22 the district at cost. Any services for which a charter school
23 contracts with a local school board or with the governing body
24 of a State college or university or public community college
25 shall be provided by the public entity at cost.

26 (i) In no event shall a charter school that is established

1 by converting an existing school or attendance center to
2 charter school status be required to pay rent for space that is
3 deemed available, as negotiated and provided in the charter
4 agreement, in school district facilities. However, all other
5 costs for the operation and maintenance of school district
6 facilities that are used by the charter school shall be subject
7 to negotiation between the charter school and the local school
8 board and shall be set forth in the charter.

9 (j) A charter school may limit student enrollment by age or
10 grade level.

11 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,
12 eff. 7-14-05.)

13 Section 505. The Illinois School Student Records Act is
14 amended by changing Section 6 as follows:

15 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

16 Sec. 6. (a) No school student records or information
17 contained therein may be released, transferred, disclosed or
18 otherwise disseminated, except as follows:

19 (1) To a parent or student or person specifically
20 designated as a representative by a parent, as provided in
21 paragraph (a) of Section 5;

22 (2) To an employee or official of the school or school
23 district or State Board with current demonstrable
24 educational or administrative interest in the student, in

1 furtherance of such interest;

2 (3) To the official records custodian of another school
3 within Illinois or an official with similar
4 responsibilities of a school outside Illinois, in which the
5 student has enrolled, or intends to enroll, upon the
6 request of such official or student;

7 (4) To any person for the purpose of research,
8 statistical reporting, or planning, provided that such
9 research, statistical reporting, or planning is
10 permissible under and undertaken in accordance with the
11 federal Family Educational Rights and Privacy Act (20
12 U.S.C. 1232g) ~~no student or parent can be identified from~~
13 ~~the information released and the person to whom the~~
14 ~~information is released signs an affidavit agreeing to~~
15 ~~comply with all applicable statutes and rules pertaining to~~
16 ~~school student records;~~

17 (5) Pursuant to a court order, provided that the parent
18 shall be given prompt written notice upon receipt of such
19 order of the terms of the order, the nature and substance
20 of the information proposed to be released in compliance
21 with such order and an opportunity to inspect and copy the
22 school student records and to challenge their contents
23 pursuant to Section 7;

24 (6) To any person as specifically required by State or
25 federal law;

26 (6.5) To juvenile authorities when necessary for the

1 discharge of their official duties who request information
2 prior to adjudication of the student and who certify in
3 writing that the information will not be disclosed to any
4 other party except as provided under law or order of court.

5 For purposes of this Section "juvenile authorities" means:

6 (i) a judge of the circuit court and members of the staff
7 of the court designated by the judge; (ii) parties to the
8 proceedings under the Juvenile Court Act of 1987 and their
9 attorneys; (iii) probation officers and court appointed
10 advocates for the juvenile authorized by the judge hearing
11 the case; (iv) any individual, public or private agency
12 having custody of the child pursuant to court order; (v)
13 any individual, public or private agency providing
14 education, medical or mental health service to the child
15 when the requested information is needed to determine the
16 appropriate service or treatment for the minor; (vi) any
17 potential placement provider when such release is
18 authorized by the court for the limited purpose of
19 determining the appropriateness of the potential
20 placement; (vii) law enforcement officers and prosecutors;
21 (viii) adult and juvenile prisoner review boards; (ix)
22 authorized military personnel; (x) individuals authorized
23 by court;

24 (7) Subject to regulations of the State Board, in
25 connection with an emergency, to appropriate persons if the
26 knowledge of such information is necessary to protect the

1 health or safety of the student or other persons;

2 (8) To any person, with the prior specific dated
3 written consent of the parent designating the person to
4 whom the records may be released, provided that at the time
5 any such consent is requested or obtained, the parent shall
6 be advised in writing that he has the right to inspect and
7 copy such records in accordance with Section 5, to
8 challenge their contents in accordance with Section 7 and
9 to limit any such consent to designated records or
10 designated portions of the information contained therein;

11 (9) To a governmental agency, or social service agency
12 contracted by a governmental agency, in furtherance of an
13 investigation of a student's school attendance pursuant to
14 the compulsory student attendance laws of this State,
15 provided that the records are released to the employee or
16 agent designated by the agency;

17 (10) To those SHOCAP committee members who fall within
18 the meaning of "state and local officials and authorities",
19 as those terms are used within the meaning of the federal
20 Family Educational Rights and Privacy Act, for the purposes
21 of identifying serious habitual juvenile offenders and
22 matching those offenders with community resources pursuant
23 to Section 5-145 of the Juvenile Court Act of 1987, but
24 only to the extent that the release, transfer, disclosure,
25 or dissemination is consistent with the Family Educational
26 Rights and Privacy Act; or

1 (11) To the Department of Healthcare and Family
2 Services in furtherance of the requirements of Section
3 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School Code or
4 Section 10 of the School Breakfast and Lunch Program Act.

5 (12) To the State Board or another State government
6 agency or between or among State government agencies in
7 order to evaluate or audit federal and State programs or
8 perform research and planning, but only to the extent that
9 the release, transfer, disclosure, or dissemination is
10 consistent with the federal Family Educational Rights and
11 Privacy Act (20 U.S.C. 1232g ~~1221 et seq.~~).

12 (b) No information may be released pursuant to
13 subparagraphs (3) or (6) of paragraph (a) of this Section 6
14 unless the parent receives prior written notice of the nature
15 and substance of the information proposed to be released, and
16 an opportunity to inspect and copy such records in accordance
17 with Section 5 and to challenge their contents in accordance
18 with Section 7. Provided, however, that such notice shall be
19 sufficient if published in a local newspaper of general
20 circulation or other publication directed generally to the
21 parents involved where the proposed release of information is
22 pursuant to subparagraph 6 of paragraph (a) in this Section 6
23 and relates to more than 25 students.

24 (c) A record of any release of information pursuant to this
25 Section must be made and kept as a part of the school student
26 record and subject to the access granted by Section 5. Such

1 record of release shall be maintained for the life of the
2 school student records and shall be available only to the
3 parent and the official records custodian. Each record of
4 release shall also include:

5 (1) The nature and substance of the information
6 released;

7 (2) The name and signature of the official records
8 custodian releasing such information;

9 (3) The name of the person requesting such information,
10 the capacity in which such a request has been made, and the
11 purpose of such request;

12 (4) The date of the release; and

13 (5) A copy of any consent to such release.

14 (d) Except for the student and his parents, no person to
15 whom information is released pursuant to this Section and no
16 person specifically designated as a representative by a parent
17 may permit any other person to have access to such information
18 without a prior consent of the parent obtained in accordance
19 with the requirements of subparagraph (8) of paragraph (a) of
20 this Section.

21 (e) Nothing contained in this Act shall prohibit the
22 publication of student directories which list student names,
23 addresses and other identifying information and similar
24 publications which comply with regulations issued by the State
25 Board.

26 (Source: P.A. 95-331, eff. 8-21-07; 95-793, eff. 1-1-09.)

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.